

PROFESSOR JOHN HAGAN

VOLUME TWO 1986/87

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# SOCIAL SCIENCE METHODS OF LEGAL RESEARCH (256F)

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# Supplemental (Optional Reading)

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- 2. "A Conversation About Collins" (Fairley & Mosteller)
  University of Chicago Law Review, Vol. 41, 1974, p. 242,
- 3. "Beyond the Prima Facie Case in Employment Discrimination Law: Statistical Proof and Rebuttal" Harvard Law Review, Vol. 89, 1975, p. 387.

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